S.B.Cr.Misc. Bail App. No.4870/2007

(Daulat Ram alias Dolia vs. State of Rajasthan)

Date of order : October 01, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Kamal Deep Singh, for the petitioner.
Mr.Vishal Raj Mehta, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that the first informant filed a complaint before the Judicial Magistrate, Sadulshahar on 27.8.2007 showing the occurrence of 23.8.2007 and levelling the allegations against the petitioner for the offences under sections 376 and 511 I.P.C. Learned counsel for the petitioner submits that the complaint was filed before the S.H.O., Police Station, Sadulshahar in which, prosecutrix Suman Devi made statement on 25.8.2007. She stated that petitioner after consuming alcohol used filthy language in a street. There is no allegation of committing rape or attempt to commit rape against the petitioner. The statement was made before the Executive Magistrate on 25.8.2007.

From perusal of the statement of the prosecutrix, it

nowhere appears that any occurrence of committing rape or attempt to commit rape had taken place. In the circumstances, therefore, without commenting on the merit of the case, which may prejudice the case of either party at the trial and taking into account the oral arguments advanced by both the parties, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Daulat Ram alias Dolia s/o Moman Ram be released on bail in FIR No.252/2007, P.S., Sadul Shahar (Distt. Sri Ganganagar) provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-